THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13296 of 2007

Dated:23.10.2007

Between

1Katakam Venkateswara Rao

..Petitioner

and

1.A.P.Southern Power Distribution Co., Ltd., rep., by its Chairman And Managing Director, Tirupathi and others.

…Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13296 of 2007

ORDER:

This writ petition is filed seeking a *mandamus* directing the respondents to consider the case of the petitioner for the post of Contract Junior Lineman in Nellore Circle.

It appears, by notification dated 6.6.2006, applications were invited to work as Contract Junior Lineman on yearly basis. The educational qualifications prescribed were that a pass in SSLC/SSC/10th class with ITI qualification in electrical/wireman trade or Intermediate vocational course in electrical trade. Even after the revised notification, which was issued on

20.10.2006, there was no change in the educational qualifications. However, it appears, the Superintending Engineer/Operation/Nellore, has sought certain clarification as to whether persons holding Diploma in Electrical Branch will be entitled to be considered for the post of contract Junior Lineman. The Chief General Manager/HRD, Southern Power Distribution of A.P., Limited, Tirupati, through memo dated 26.12.2006 clarified that the Contract Labour, who possess the qualification of diploma in Electrical Branch, without having the required I.T.I qualification are also eligible for the post of contract Junior Lineman.

According to the petitioner, either the original notification issued on 6.6.2006, or the revised notification dated 20.10.2006 does not prescribe the qualification i.e., Diploma in Electrical Branch, without having I.T.I qualification. But the same was introduced by way of a clarification and the same was not published in any newspapers or notified for the general public.

The learned counsel for the petitioner contends that had it been notified, the petitioner would have applied for along with others, and therefore, the petitioner seeks a direction to the respondents to consider his case, since he holds the qualification of Diploma in Electrical Branch without having the required I.T.I. qualification.

This Court while issuing *Rule nisi*, by order dated 26.6.2007 in W.P.M.P.No.16656 of 2007 granted *status quo* as to the appointments made in pursuance of the notification dated 6.6.2006.

Now a vacate stay petition is filed seeking to vacate the interim order dated 26.6.2007. It is stated in the affidavit filed in support of the vacate petition that the petitioner's case was considered on 25.4.2007 along with others; however, his case was rejected by proceedings dated 5.5.2007, since his application was received after expiry of the last date for receipt of applications.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the entire material made available on record.

It is unfortunate that the respondents have taken such a stand that the application of the petitioner was received on 3.2.2007 i.e., after expiry of the last date for submission of applications. The grievance of the petitioner is that since the qualification i.e., Diploma in Electrical Branch, without having the required I.T.I. was not prescribed as one of the educational qualifications for the post of contract Junior Lineman, either in the original notification or in the revised notification, he did not apply. Since the Chief General Manager/HRD,

Tirupati issued a clarification stating that the contract Labour who possess the qualification i.e., Diploma in Electrical Branch, without having the required I.T.I. are also eligible, the petitioner filed the writ petition and this Court in W.P.M.P.No.16656 of 2007 granted status quo as to the appointments in pursuance of the notification dated 6.6.2006. Though the petitioner appeared for the test on 25.4.2007, his case was not considered by the respondents on the ground that his application was received after expiry of the last date, which was fixed as 14.11.2006. But, I am of the opinion that the respondents were not right in not considering the case of the petitioner on the ground that his application was received after 14.11.2006 inasmuch as the learned counsel for the respondents has stated that the petitioner was interviewed on 25.4.2007.

In the facts and circumstances, there shall be a direction to the respondents, that in case any person with
Diploma in Electrical Branch without having the basic qualification of I.T.I, has applied and his case was considered, the case of the petitioner shall be considered along with others for appointment to the post of Contract Junior Lineman, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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23-10-2007

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